

## **REMARKS**

Claims 3 and 17-37 remain pending in the present application. Claims 3, 17, 22 and 37 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 3 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ichimura (U.S. Pat. No. 6,501,968) in view of Nonogaki (U.S. Pat. No. 6,625,478) and further view of Cathey et al. (U.S. Pat. No. 6,201,977). Claims 17-18, 22 and 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ichimura (U.S. Pat. No. 6,501,968) in view of Cathey et al. (U.S. Pat. No. 6,201,977). Claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ichimura (U.S. Pat. No. 6,501,968) in view of Cathey et al. (U.S. Pat. No. 6,201,977) as applied to Claim 18 above, and further in view of Nonogaki (U.S. Pat. No. 6,6625,478 B1). The Examiner states that Ichimura in view of Nonogaki does not teach means for terminating operation of music sounds producing function while it is in actual operation. The Examiner then relies on Cathey to teach a means for terminating operation of a function while it is in actual operation.

Cathey teaches the termination of a telephone function to maintain a pager function. Claims 3, 17 and 37 have been amended to include means for maintaining the telephone function by terminating operation of the music sounds producing function.

Applicant would like to thank Examiner Dean for the courtesies extended to Applicant's representative on March 14 and 15, 2006. During our various discussions,

we proposed amending the independent claims to include means for maintaining the telephone function in order to distinguish over the art. Cathey teaches the terminating of the telephone function and the maintaining of a different function. Thus, applying Cathey to Ichimura and/or Nonogaki would result in the termination of the telephone function and not the maintaining of the telephone function as defined by amended Claims 3, 17 and 37.

Thus, Applicant believes Claims 3, 17 and 37, as amended, patentably distinguishes over the art of record. Likewise, Claims 16-36 which ultimately depend from one of these independent claims are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

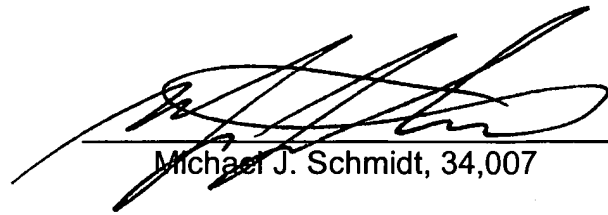
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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